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Attorneys for Plaintiff KSG Trade Co. (USA)

13 CV 7693

KSG TRADE CO. (USA),

Plaintiffs,

- v -

GREAT WHITE LINER SERVICES
LTD., GREAT WHITE FLEET
LIMITED and CHIQUITA BRANDS
INTERNATIONAL,

Defendants.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

I3 Civ.

COMPLAINT



Plaintiff KSG Trade Co. (USA) (hereinafter, "KSG") by its attorneys Cichanowicz, Callan, Keane, Vengrow & Textor, LLP, alleges upon information and belief as follows:

1. This is a civil case of admiralty or maritime jurisdiction within the meaning of 28 U.S.C. 1333(1) and is an admiralty and maritime claim within the meaning of Federal Rule of Civil Procedure 9(h).

2. Plaintiff KSG, at all material times, was and still is a legal entity existing under the laws of one of the United States, with an office and place of business at 1030 SE 9th Ave, Cape Coral, Florida.

3. Defendants Great White Liner Services Ltd. and Great White Fleet Limited (collectively, "GWF"), at all material times, were and still are legal entities existing under the laws of one of the United States, with an office and place of business at 550 S. Caldwell Street Ste. 1111, Charlotte, North Carolina.

4. Defendant Chiquita Brands International (“Chiquita”), at all material times, was and still is a legal entity existing under the laws of one of the United States, with an office and place of business at 550 S. Caldwell Street, Charlotte, North Carolina.

5. During all times herein mentioned, defendants were the owners and/or operators and/or charterers of the vessel M/V EURUS LONDON, and operated it in the common carriage of goods for hire between Guatemala and Florida.

6. On or about October 6, 2012 defendants agreed to transport a shipment of 1,080 boxes of fresh plantains (hereinafter, the “Cargo”) from San Marco, Guatemala to Miami, Florida pursuant to GWF bill of lading number GWFT5100979A.

7. On October 6, 2012 KSG delivered to defendants 1,080 boxes of fresh plantains at San Marcos, Guatemala, all in good order and condition, loaded into a refrigerated container provided by defendants with the refrigeration unit set at a temperature of +45 degrees Fahrenheit.

8. Pursuant to the said GWF bill of lading, defendants were required to maintain the temperature of the refrigerated container and the Cargo to within plus/minus 5 degrees of the set temperature of +45 degrees Fahrenheit (i.e., between +40 degrees and +50 degrees Fahrenheit).

9. On or about October 7, 2012 while the refrigerated container was in defendants’ custody, care, and control, the refrigerated container was shut off for a period of approximately ten (10) hours, which caused the refrigerated container and the Cargo to reach temperatures in excess of +70 degrees Fahrenheit before the refrigerated container was turned on again by defendants on or about October 8, 2012.

10. On or about October 8, 2012 defendants caused the refrigerated container containing the Cargo to be laden on board the vessel M/V EUROS LONDON.

11. On or about October 12, 2012 the M/V EUROS LONDON arrived at Miami, Florida and delivered said Cargo, but not in the same good order and condition as when shipped, but in damaged condition.

12. By reason of the foregoing, KSG has sustained damages in the sum of US\$20,220.30, as nearly as the same can now be estimated, no part of which has been paid although duly demanded.

WHEREFORE, KSG prays for the following:

- (a) That process issue against defendants Great White Liner Services, Ltd. and Chiquita Brands International and that defendants be cited to appear and answer the allegations of the complaint;
- (b) That judgment be entered against defendants Great White Liner Services, Ltd. and Chiquita Brands International, jointly and severally, for \$20,220.30, with all costs, including attorneys fees; and
- (c) For such other relief as the Court may deem just and proper.

Dated: New York, New York
October 30, 2013

Respectfully submitted,

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By: 

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